

Mankin.	Morse.
McGill.	Nicholson.
McKean.	Pope of Nueces.
Metcalfe.	Storey.
Minor.	Waddell.
Montgomery.	

APPOINTMENT OF PAGES

The Speaker announced the appointment of pages as recommended in the following report:

To the Honorable Speaker of the House of Representatives.

Sir: We, your committee appointed to consider the applicants and make recommendations as to the appointment of pages for the Forty-first Legislature, beg leave to advise that we have carefully examined the qualifications of more than seventy aspirants, and after hearing the applicants and those who wished to speak for them have agreed upon the following:

William E. Bergman, Polk county; Archie Brown, Tarrant county; Benny Crites, Lamar county; Olin Crow, Cass county; Albert Eichel, Williamson county; John Ferguson, Travis county; Hugh Palmer Haynee, Harris county; Jesse Hellums, Travis county; Richard Humphrey, Dallas county; Ben King, Travis county; Jack Leaverton, Stephens county; Beverly Laws, Walker county; Troy Ledbetter, Upshur county; George Lewis, Hunt county; J. E. Mayer, Travis county; Jack Pruitt, Hill county; Allan Roberts, Travis county; Stanley Spore, Travis county; Fred Senter, Scurry county; Eugene Townsley, Travis county; Dana Williams, Panola county.

We have attempted in so far as is possible to reward merit and secure for the House those boys whom we believe will render the best service. Many whom we believed capable, honest and efficient for the place could not be named because we were limited to twenty-one recommendations. Geographical distribution has been considered and the counties of residence are given for your consideration.

Respectfully submitted,
 WOODALL,
 Chairman;
 PURL,
 LONG of Houston,
 BRICE,
 COX of Navarro.

On motion of Mr. Holder, the name of Cavin Kenyon, of Galveston county,

was added to the list of pages as an honorary page, to serve without pay.

ADJOURNMENT.

On motion of Mr. Holder, the House, at 4:50 o'clock p. m., adjourned until 10:45 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORT.

The following committee today filed favorable report on following bill:

Appropriations: Senate bill No. 1.

FOURTH DAY.

(Friday, January 11, 1929.)

The House met at 10:45 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Ackerman.	Graves of Erath.
Adkins.	Hardy.
Anderson.	Harding.
Avis.	Harman.
Baker.	Harper.
Baldwin.	Harrison.
Barnett.	Heaton.
Bateman.	Hefley.
Beck.	Hines.
Bounds.	Hogg.
Bradley.	Holder.
Brice.	Hornaday.
Brooks.	Hubbard.
Carpenter.	Jenkins.
Chastain.	Johnson
Coltrin.	of Dimmit.
Conway.	Johnson of Smith.
Cox of Navarro.	Johnson of Scurry.
Cox of Lamar.	Jones.
Cox of Limestone.	Justiss.
Davis.	Keeton.
DeWolfe.	Keller.
Dunlap.	Kemble.
Enderby.	Kennedy.
Ewing.	Kincaid.
Eickenroht.	King.
Finn.	Kinnear.
Finlay.	Land.
Forbes.	Lee.
Gates.	Lemens.
Gerron.	Long of Houston.
Gilbert.	Long of Wichita.
Giles.	Loy.
Graves	Martin.
of Williamson.	Mauritz.

Maynard.	Shelton.
McCombs.	Sherrill.
McDonald.	Simmons.
McGill.	Sinks.
Mehl.	Smith.
Metcalfe.	Snelgrove.
Minor.	Speck.
Montgomery.	Stephens.
Mullally.	Stevenson.
Murphy.	Storey.
Negley.	Tarwater.
Nicholson.	Thompson.
Olsen.	Thurmond.
O'Neill.	Tillotson.
Palmer.	Van Zandt.
Patterson.	Veatch.
Pavlica.	Wallace.
Petsch.	Walters.
Pool.	Warwick.
Pope of Jones.	Webb.
Prendergast.	White.
Purl.	Wiggs.
Quinn.	Williams
Ray.	of Sabine.
Reader.	Williams
Reid.	of Hardin.
Renfro.	Williams
Richardson.	of Travis.
Rountree.	Woodall.
Sanders.	Woodruff.
Shaver.	Young.

Absent—Excused.

Acker.	Morse.
Albritton.	Mosely.
Bond.	Pope of Nueces.
Duvall.	Rogers.
Fuchs.	Savage.
Hopkins.	Shipman.
Kayton.	Strong.
Kenyon.	Turner.
Mankin.	Waddell.
McKean.	Westbrook.
Moore.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Savage for today and tomorrow, on motion of Mr. Webb.

Mr. Bond for today and tomorrow, on motion of Mr. Metcalfe.

Mr. Kayton for today and tomorrow, on motion of Mr. Reader.

Mr. Rogers for today and tomorrow, on motion of Mr. Bateman.

Mr. Turner for today and tomorrow, on motion of Mr. Kinnear.

Mrs. Moore for today and tomorrow, on motion of Mr. Harper.

Mr. Fuchs for today and tomorrow, on motion of Mr. Shelton.

Mr. Shipman for today and tomorrow, on motion of Mr. Graves.

Mr. Westbrook for today and tomorrow, on motion of Mr. Baldwin.

Mr. Hopkins for today and until Tuesday, on motion of Mr. Martin.

Mr. Waddell for today, on motion of Mr. Eickenroht.

The following members were granted leaves of absence on account of illness:

Mr. Strong for today and tomorrow, on motion of Mr. Hefley.

Mr. Acker for today, on motion of Mr. Kincaid.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Speck and Mr. Pope of Jones:

H. B. No. 114, A bill to be entitled "An Act to establish and maintain a dairy, poultry, pecan, crops and other native products experiment station on the Miles Roscoe and Abilene Soil Type in Taylor, Jones, Callahan and Shackelford counties, Texas, within a radius of twenty-five miles of Abilene, Taylor county, Texas, authorizing the board of directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station, and empowering said board to establish and maintain same, to accept donations of lands, water, live stock, seeds, plants and money for the establishment of said station."

Referred to Committee on Agriculture.

By Mr. Williams of Hardin:

H. B. No. 115, A bill to be entitled "An Act to amend Article 9231, Revised Criminal Statutes of 1925, and to amend House bill No. 73, Chapter 45, Acts of the First Called Session of the Fortieth Legislature, so as to make it unlawful to hunt, kill or take possession of any wild squirrel or squirrels in Hardin county during the months of January, February, March, April, August and September."

Referred to Committee on Game and Fisheries.

By Mr. Hines, Mr. Rountree, Mr. Simmons, Mr. Snelgrove and Mr. Young:

H. B. No. 116, A bill to be entitled

"An Act to amend Chapter 6, Title 93, Revised Civil Statutes of Texas, 1925, and Chapter 5, Title 14, Revised Criminal Statutes of Texas, 1925, relating to public weighers, by amending Articles 5680, 5681, 5688, 5689, 5691, 5694, 5695 and 5704."

Referred to Committee on Agriculture.

By Mr. Finlay:

H. B. No. 117, A bill to be entitled "An Act regulating the season for taking fur-bearing animals, and regulating the taking of and traffic in hides and skins taken from fur-bearing animals."

Referred to Committee on Game and Fisheries.

By Mr. Williams of Hardin:

H. B. No. 118, A bill to be entitled "An Act to amend Article 880, Revised Criminal Statutes of 1925, as amended by Chapter 24, Acts of the First Called Session of the Thirty-ninth Legislature, so as to make it unlawful to hunt wild deer with dogs in Hardin and Liberty counties."

Referred to Committee on Game and Fisheries.

By Mr. McGill, Mr. Pope of Jones, Mr. Barnett, Mr. Olsen, Mr. Bateman and Mr. Williams of Travis:

H. B. No. 119, A bill to be entitled "An Act amending Article 6371, Chapter 8, Title 112, Revised Civil Statutes of Texas, 1925, relating to safety equipment for locomotive engines, providing that whistles or sounding devices shall be used on such locomotives."

Referred to Committee on Common Carriers.

By Mr. Sanders:

H. B. No. 120, A bill to be entitled "An Act to amend Article 2547 (2443), Chapter 2, Title 47, Revised Civil Statutes of the State of Texas, being Chapter 129, pages 197 to 199, inclusive, of the General Laws of the State of Texas passed by the Fortieth Legislature at the Regular Session, which article and chapter provides for the making of bonds for the securing of county deposits, declaring who may make such bonds, and the amount and character of the security that may be accepted by the commissioners court to secure such deposits."

Referred to Committee on Banks and Banking.

By Mr. McDonald:

H. B. No. 121, A bill to be entitled "An Act imposing an occupation tax on any person, company, corporation or association owning, operating, managing or controlling any cotton exchange quotation service or furnishing quotations on the stock market on grain, cotton and other commodities."

Referred to Committee on Revenue and Taxation.

By Mr. Johnson of Dimmit:

H. B. No. 122, A bill to be entitled "An Act to amend Article 4142, Chapter 4, Title 69, of the Revised Statutes of Texas of 1925, so as to provide that the county judge may in his discretion require a guardian of an estate to give bond with one or more corporations authorized to execute surety bonds in this State as surety, in such amount as may be fixed by the judge, and providing for guardian bonds with two or more good and sufficient sureties to be approved by county judge."

Referred to Judiciary Committee.

By Mr. Lee and Mr. Finlay:

H. B. No. 123, A bill to be entitled "An Act amending Chapter 129 of the General and Special Laws of Texas, passed at the Regular Session of the Fortieth Legislature, so as to provide for the execution of bonds for securing county deposits."

Referred to Committee on State Affairs.

By Mr. Cox of Navarro:

H. B. No. 124, A bill to be entitled "An Act to amend Article 1020 of the Code of Criminal Procedure of the State of Texas for 1925, so as to provide that in cases where an examining trial is held charging the offense of murder, rape, burglary of a private residence, theft of property of the value of \$50 or over, or robbery, and the defendant is thereafter indicted by the grand jury, the examining trial fees of the sheriff shall be the same as provided by Articles 1029 and 1030 of the Code of Criminal Procedure for executing process, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. White:

H. B. No. 125, A bill to be entitled "An Act to amend Article 2902, Revised Statutes, 1925, fixing the scho-

lastic age of pupils in the public free schools, and repealing all laws and parts of laws in conflict therewith."

Referred to Committee on Education.

By Mr. Shaver:

H. B. No. 126, A bill to be entitled "An Act to amend Article 2889a, Revised Statutes, 1925, relating to certification of teachers in the public free schools; repealing all laws in conflict therewith."

Referred to Committee on Education.

By Mr. Mullally, Mr. Johnson of Dimmit and Mr. Dunlap:

H. B. No. 127, A bill to be entitled "An Act to create the 109th Judicial District of Texas and to give such court concurrent jurisdiction with the district court of Webb county, Texas, in and for the 49th Judicial District of Texas, in all civil and criminal cases; to provide a clerk for said courts and the transfer to said 109th district court of certain cases now pending in the 49th district court."

Referred to Committee on Judicial Districts.

By Mr. Snelgrove, Mr. Graves of Erath and Mr. Minor:

H. B. No. 128, A bill to be entitled "An Act appropriating two million five hundred thousand dollars (\$2,500,000) per year, or so much thereof as may be necessary, for the next two fiscal years, for the purpose of promoting rural school education and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts."

Referred to Committee on Education.

By Mr. Hogg, Mr. Pool, Mr. Thompson, Mr. Harrison, Mr. Storey, Mr. Kemble and Mr. McCombs:

H. B. No. 129, A bill to be entitled "An Act to amend Articles 2669, 2670, 2671, 2672 and 2673, of Chapter 10, Title 49, of the Revised Civil Statutes of the State of Texas of 1925, relating to the investment of the permanent school fund by the State Board of Education by providing for the purchase by said board of bonds of the United States, the State of Texas, the bonds of counties of the State of Texas, the bonds of the independent school districts of Texas."

Referred to Committee on Education.

By Mr. Storey, Mr. Pool, Mr. Hogg, Mr. Thompson, Mr. Kemble and Mr. McCombs:

H. B. No. 130, A bill to be entitled "An Act to exempt from taxation all obligations and pledges of the University of Texas."

Referred to Committee on Public Lands and Buildings.

By Mr. Kemble, Mr. Hogg, Mr. Morse, Mr. Thompson, Mr. McCombs, Mr. Pool and Mr. Storey:

H. B. No. 131, A bill to be entitled "An Act to amend Article 2547, of Chapter 2, Title 47, of the Revised Civil Statutes of the State of Texas, relating to the collateral security to be pledged by depositories for securing county funds, by depositing with the commissioners court a depository bond or by pledging with the commissioners court bonds and certificates of indebtedness of the United States, bonds of the State of Texas."

Referred to Committee on Public Lands and Buildings.

By Mr. McCombs, Mr. Hogg, Mr. Pool, Mr. Kemble, Mr. Morse, Mr. Harrison, Mr. Thompson and Mr. Storey:

H. B. No. 132, A bill to be entitled "An Act to amend Article 2529 of Chapter 1, Title 47, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 57 of the Acts of the First Called Session of the Fortieth Legislature, relating to the collateral security to be pledged by depositories for securing State funds, by depositing a depository bond with the State Treasurer or by pledging with the State Treasurer bonds and certificates of indebtedness of the United States, obligations and pledges of the University of Texas."

Referred to Committee on Public Lands and Buildings.

By Mr. Thompson, Mr. Pool, Mr. Kemble, Mr. Morse, Mr. Harrison, Mr. Hogg and Mr. Storey:

H. B. No. 133, A bill to be entitled "An Act to appropriate the sum of \$200,000, or so much thereof as may be necessary, to purchase the tract of land consisting of twenty-six acres more or less in Travis county, Texas, adjoining the present campus of the University of Texas, known as the Cavanaugh property, and being remainder of the designated campus of the University of Texas."

Referred to Committee on Public Lands and Buildings.

By Mr. McCombs:

H. B. No. 134. A bill to be entitled "An Act to amend Article 3716 of the Revised Civil Statutes of the State of Texas, 1925, by adding thereto a provision as follows: 'Provided, however, that in actions begun during the lifetime of the decedent, in which executors, administrators, guardians or the heirs or legal representatives of the decedent have been substituted as parties plaintiff or defendant, and in which such actions either plaintiff or defendant has testified in open court or by deposition and has been subjected to cross-examination by the other party, the testimony so given in open court or by deposition by either party may be admitted in evidence upon any subsequent trial of the same issues between the surviving party and the executors, administrators, guardians, heirs or legal representatives of the deceased party.'"

Referred to Judiciary Committee.

By Mr. Harman:

H. B. No. 135. A bill to be entitled "An Act amending Article 534 of the Penal Code of the State of Texas, making it a penal offense for any person to cause, encourage or contribute to the delinquency of any minor under the age of seventeen years."

Referred to Committee on Criminal Jurisprudence.

By Mr. Holder and Mr. Keller:

H. B. No. 136. A bill to be entitled "An Act to amend Articles 6678 and 6691, reducing the license fees on motor passenger vehicles, reapportioning the fees thus collected, and declaring an emergency."

Referred to Committee on Common Carriers.

By Mr. Adkins:

H. B. No. 137. A bill to be entitled "An Act providing for the catching of sucker fish in the streams of Gin and Glade creeks, in Upshur county, Texas."

Referred to Committee on Game and Fisheries.

By Mr. Cox of Navarro and Mr. Justiss:

H. B. No. 138. A bill to be entitled "An Act authorizing the creation of a junior college district in an independent school district in the State of Texas

having taxable values of property for school purposes of not less than \$12,000,000 and a high school enrollment of not less than 500 pupils in the eighth, ninth, tenth and eleventh grades."

Referred to Committee on Education.

By Mr. Acker and Mr. Bradley:

H. B. No. 139. A bill to be entitled "An Act to amend Article 5513 of the Revised Civil Statutes of Texas, by adding thereto a proviso to the effect that the defense of innocent purchaser shall be available against such limitation claims."

Referred to Judiciary Committee.

By Mr. Acker and Mr. Bradley:

H. B. No. 140. A bill to be entitled "An Act to add to the Revised Civil Statutes Article 5510a, providing that all claims asserted by anyone not holding under a written memorandum of title duly registered, under the ten years' statute of limitation, under what is commonly called the 160-acre statute, or its predecessor, the 640-acre statute, shall assert such claim by filing suit therefor against the owner of the record title in a court of competent jurisdiction before June 1, 1934, or such claim or title shall not thereafter be asserted in the State as against the record owner of said land, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Petsch and Mr. Graves of Williamson:

H. B. No. 141. A bill to be entitled "An Act to amend Article 714 of the Code of Criminal Procedure of the State of Texas, 1925, and providing that when the wife is offered as a witness by the defendant in his behalf she may be cross-examined by the State upon all matters relevant and material to the trial."

Referred to Committee on Criminal Jurisprudence.

By Mr. King and Mr. Graves of Erath:

H. B. No. 142. A bill to be entitled "An Act to appropriate from the general revenue out of any funds not otherwise appropriated the sum of \$175,000, or so much thereof as may be necessary, to be applied to valid claims for the years 1927-1928, and the sum of \$200,000, or so much thereof as may be necessary, to supplement the appropriation for the years 1929-1930, to carry out the pro-

visions of Chapter 36, General and Special Laws of the Fortieth Legislature."

Referred to Committee on Appropriations.

By Mr. Purl, Mr. Pool, Mr. Johnson of Dimmit, Mr. Lee and Mr. Anderson:

H. B. No. 143, A bill to be entitled "An Act to amend Chapter 195 of the Acts of the Regular Session of the Fortieth Legislature, and to provide for the destruction of predatory animals in the State of Texas, viz., coyotes, wolves, mountain lions, bobcats and other predatory animals and rodent pests, that is, prairie dogs, pocket gophers (salamanders), jack rabbits and ground squirrels."

Referred to Committee on Appropriations.

By Mr. Pool:

H. B. No. 144, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to employ additional clerks from February 1, 1929, until September 1, 1929, and making an appropriation therefor."

Referred to Committee on Appropriations.

By Mr. King and Mr. Graves of Erath:

H. B. No. 145, A bill to be entitled "An Act to amend Article 679, Penal Code of the State of Texas, 1925, and providing that a physician cannot prescribe more than one-half pint of alcohol or alcoholic liquor to any person at a time, and providing that such physician cannot give more than one prescription to the same person within a period of ten days."

Referred to Committee on Appropriations.

By Mr. Johnson of Dimmit:

H. B. No. 146, A bill to be entitled "An Act validating certain defects in instruments pertaining to real estate after they have been of record for ten years or more, such defects validated being any defects in the execution, acknowledgment, recording or certificate of recording where not signed by proper officer of a corporation, where the seal of a corporation has not been impressed on instrument, where record does not show such seal or acknowledgment, where record does not show notary seal."

Referred to Judiciary Committee.

By Mr. Young, Mr. King, Mr. Simmons, Mr. Wiggs and Mr. Forbes:

H. B. No. 147, A bill to be entitled "An Act repealing Article 727a of the Code of Criminal Procedure of the State of Texas, said article constituting what is known as the evidence clause of the search and seizure act passed by the Thirty-ninth Legislature of the State of Texas."

Referred to Committee on Criminal Jurisprudence.

By Mr. Giles:

H. B. No. 148, A bill to be entitled "An Act making it a felony for the fraudulent taking of any chicken, turkey, duck, goose or other domestic fowl, prescribing penalty therefor."

Referred to Committee on Criminal Jurisprudence.

By Mr. Morse:

H. B. No. 149, A bill to be entitled "An Act validating the charters and amendments to charters of all cities of more than 5,000 inhabitants in this State which have adopted charters or attempted to adopt or amend charters since the adoption of the home rule enabling act in 1913 and validating and approving all orders, acts and proceedings had by city councils, city commissions or other governing authorities of said cities in regard to the matter of the adoption of charters or amendments to charters."

Referred to Committee on Municipal and Private Corporations.

By Mr. Kemble and Mr. Morse:

H. B. No. 150, A bill to be entitled "An Act providing for and fixing the salary of the Banking Commissioner of Texas at \$10,000 per annum and the salary of the Deputy Banking Commissioner at \$7,500 per annum."

Referred to Committee on Banks and Banking.

By Mr. Johnson of Dimmit:

H. B. No. 151, A bill to be entitled "An Act to repeal Article 6605 of the Revised Civil Statutes of Texas of 1925, and to repeal Article 6608 of the Revised Civil Statutes of Texas of 1925, and to amend Article 1300 of the Revised Civil Statutes of Texas of 1925, so as to eliminate the necessity of the wife's separate acknowledgment and the other requirements of Articles 6605 and

6608, herein repealed, in the conveyance of homesteads."

Referred to Judiciary Committee.

By Mr. Johnson of Dimmit:

H. B. No. 152, A bill to be entitled "An Act to authorize the board of directors of the Agricultural and Mechanical College of Texas to establish and maintain a horticultural and agricultural experiment station at some point within the limits of Atascosa, Bexar, Dimmit, Frio, La Salle, Maverick, Medina, Uvalde, Webb or Zavala counties, in the State of Texas, for the purpose of making scientific investigation and experiment in the production of fruits, citrus fruits, nuts and vegetables, bees, and methods of combating insect pests and diseases of said products in the said section, and conducting scientific experiments in poultry raising and dairying."

Referred to Committee on Education.

HOUSE JOINT RESOLUTION ON FIRST READING.

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the Committee on Constitutional Amendments:

By Mr. Harris, Mr. Kemble, Mr. Hogg, Mr. McCombs and Mr. Pool:

H. J. R. No. 3, Proposing an amendment to the State Constitution providing that the permanent University fund shall be invested in bonds of the United States, the State of Texas, of counties of said State, or in school bonds of municipalities, or in bonds of any city of this State having a population of 10,000 or more according to the latest United States census, or in bonds issued under and by virtue of the Federal Farm Loan Act approved by the President of the United States, July 17, 1916, and amendments thereto.

PROVIDING FOR JOINT SESSION TO COUNT VOTES FOR GOV- ERNOR AND LIEUTENANT GOVERNOR.

Mr. Murphy offered the following resolution:

H. C. R. No. 3, Providing for a committee to count votes for Governor and Lieutenant Governor.

Be it resolved by the House of Representatives, the Senate concurring,

That there shall be held in the Hall of the House of Representatives, at 11 o'clock a. m., January 11, 1929, a joint session of the Legislature for the purpose of receiving and considering the returns of the election for the executive officers of the State of Texas, and opening said returns and publishing said returns and the results thereof, in the presence of both houses of the Legislature, and for the further purpose of then and there determining what persons received the highest number of votes for the said respective executive offices of the State of Texas, and for the further purpose of making declaration as to the election of said executive officers of the State of Texas.

Signed—Murphy, Ackerman, Waddell, Hopkins, Chastain.

The resolution was read second time, and was adopted.

RELATING TO TELEPHONE EXPENSE.

Mr. Finlay moved to reconsider the vote by which the resolution, offered on yesterday, relating to telephone expense was adopted.

The motion to reconsider was lost.

PROVIDING FOR CLERK TO COM- MITTEE ON CONTINGENT EXPENSES.

Mr. Cox of Navarro offered the following resolution:

Whereas, No provision has been made for the appointment of a special clerk to the Committee on Contingent Expenses, and unless this is done it will be necessary to name a general committee clerk to perform the duties of clerk to that committee; and

Whereas, The duties of the clerk to the Committee on Contingent Expenses are much more than those performed by the general committee clerks, and the hours much longer; therefore, be it

Resolved, That the Speaker is hereby authorized to appoint a clerk to the Committee on Contingent Expenses, to receive a salary of \$7.50 per day.

The resolution was read second time, and was adopted.

BILL RE-REFERRED.

On motion of Mr. McCombs, House bill No. 89 was withdrawn from the Committee on Appropriations and referred to the Judiciary Committee.

BILL ORDERED NOT PRINTED.

On motion of Mr. McGill, by unanimous consent, Senate bill No. 7 was ordered not printed.

EMPLOYEES ANNOUNCED

The Speaker announced the appointment of the following additional employees:

Miss Matilda Riesto, Mrs. R. W. Rike, Bruce Haynes, Sue Archibald, Worth Ware as page to Doorkeeper, Sterling Strong, Harry Ball, Jack DeMaret, Henry Rogers.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, January 11, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. C. R. No. 3, Providing for a joint session of the House and Senate at 11 o'clock, January 11, 1929, for purpose of receiving and considering votes cast for Governor and Lieutenant Governor.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

STENOGRAPHERS APPOINTED.

The Speaker announced the appointment of the following stenographers:

Lyles Snider, Fort Worth; Alta McAllister, San Antonio; Lydia Engberg, Brazoria; Bill Andress, Dallas; Carolyn Loewenstein, Austin; Kirtley Thatcher, Austin; Mrs. Pat Gray Burford, Waxahachie; Pearl Williams, Travis county; Billie Burk Mims, Corsicana; Mrs. B. J. Rupert, Travis county; Robert Keel, Mills county; Bess Smartt, Austin; Myrtis Wilson, Austin; Delphine Moore, Dallas; Bessie Elkins, Travis county; Ruby Turpin, Coryell county; Norine Nachtrab, Travis county; Helen I. Rowe, Cameron county; Frances Henderson, Austin; Lina Jenkins, Karnes county; Sam Harwell, Hunt county; Frances Taylor, Grayson county; Agnes Chapman, Austin; Hilda Schulte, Polk county; Arlene Wilson, Karnes county; Jessie Neal, Austin; Hazel Martin, Bastrop; Mrs. Grace Jones, Houston; Segret A. Johnson, Williamson county; Minnie Lee Zimmerman, Johnson county; Pearl Giles, Williamson county.

BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

S. B. No. 1, A bill to be entitled "An Act appropriating \$185,000 for mileage and per diem expenses of the Forty-first Legislature, and declaring an emergency."

COUNTING THE VOTES CAST FOR GOVERNOR AND LIEUTENANT GOVERNOR.

(In Joint Session.)

At the hour of 11 o'clock a. m., fixed by concurrent action of the two houses, for the Senate and House of Representatives to meet in joint session for the purpose of counting the votes for Governor and Lieutenant Governor, cast at the general election held on Tuesday, the 6th day of November, A. D. 1928, the Honorable Senate were announced at the bar of the House and, by direction of the Speaker, were admitted.

Escorted by the Secretary of the Senate, Bob Barker, and the Sergeant-at-Arms of the Senate, A. W. Holt, the Senators advanced into the Hall and, by direction of the Speaker of the House, occupied seats already prepared for them along the aisle.

Lieutenant Governor Barry Miller, by invitation of the Speaker, occupied a seat on the Speaker's stand.

Lieutenant Governor Barry Miller then directed the Secretary of the Senate to call the roll of the Senate.

The roll of the Senate was called, and the following Senators answered to their names:

Beck.	Neal.
Berkeley.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Moore.	Woodward.

Absent.

Miller.

Absent—Excused.

Cunningham. Russek.
Parr.

Lieutenant Governor Barry Miller announced a quorum of the Senate present.

The Speaker then directed the Clerk to call the roll of the House.

The roll of the House was called, and the following members answered to their names:

Ackerman.	Jones.
Adkins.	Justiss.
Anderson.	Keeton.
Avis.	Keller.
Baker.	Kemble.
Baldwin.	Kennedy.
Barnett.	Kincaid.
Bateman.	King.
Beck.	Kinnear.
Bounds.	Land.
Bradley.	Lee.
Brice.	Lemens.
Brooks.	Long of Houston.
Carpenter.	Long of Wichita.
Chastain.	Loy.
Coltrin.	Martin.
Conway.	Mauritz.
Cox of Navarro.	Maynard.
Cox of Lamar.	McCombs.
Cox of Limestone.	McDonald.
Davis.	McGill.
DeWolfe.	Mehl.
Dunlap.	Metcalf.
Enderby.	Minor.
Ewing.	Montgomery.
Eickenroht.	Mullally.
Finn.	Murphy.
Finlay.	Negley.
Forbes.	Nicholson.
Gates.	Olsen.
Gerron.	O'Neill.
Gilbert.	Palmer.
Giles.	Patterson.
Graves	Pavlica.
of Williamson.	Petsch.
Graves of Erath.	Pool.
Hardy.	Pope of Jones.
Harding.	Prendergast.
Harman.	Purl.
Harper.	Quinn.
Harrison.	Ray.
Heaton.	Reader.
Hefley.	Reid.
Hines.	Renfro.
Hogg.	Richardson.
Holder.	Rountree.
Hornaday.	Sanders.
Hubbard.	Shaver.
Jenkins.	Shelton.
Johnson	Sherrill.
of Dimmit.	Simmons.
Johnson of Smith.	Sinks.
Johnson of Scurry.	Smith.

Snelgrove.	Warwick.
Speck.	Webb.
Stephens.	White.
Stevenson.	Wiggs.
Storey.	Williams
Tarwater.	of Sabine.
Thompson.	Williams
Thurmond.	of Hardin.
Tillotson.	Williams
Van Zandt.	of Travis.
Veatch.	Woodall.
Wallace.	Woodruff.
Walters.	Young.

Absent—Excused.

Acker.	Morse.
Albritton.	Mosely.
Bond.	Pope of Nueces.
Duvall.	Rogers.
Fuchs.	Savage.
Hopkins.	Shipman.
Kayton.	Strong.
Kenyon.	Turner.
Mankin.	Waddell.
McKean.	Westbrook.
Moore.	

The Speaker announced a quorum of the House present.

Lieutenant Governor Barry Miller and the Speaker of the House then stated that the two houses were in joint session for the purpose of counting the votes for Governor and Lieutenant Governor, cast at the last general election.

The Lieutenant Governor announced the appointment of the following tellers on the part of the Senate:

Senators Martin, Hyer, Small, Gainer and Hardin.

The Speaker announced the appointment of the following tellers on the part of the House:

Messrs. Nicholson, Kinnear, Kemble, Young, Mullally and Hornaday.

The joint tellers were announced present, and they at once came forward and occupied seats already prepared for them.

The Speaker then requested the joint tellers to come forward to receive the returns of the last general election for Governor and Lieutenant Governor, which returns had been duly delivered by the Secretary of State to the Speaker of the House of Representatives of the Forty-first Legislature.

The joint tellers then proceeded to the work of counting the votes cast for Governor and Lieutenant Governor at the last general election.

When the count was completed, the Lieutenant Governor and the Speaker of the House announced to the joint

session that the joint tellers had completed the count of the votes, and that the joint session is now ready to receive the results and to have the report of the joint tellers.

Senator Martin, on the part of the Senate, and Mr. Nicholson, on the part of the House, submitted the following report:

County.	For Governor			
	Dan Moody, Dem.	W. H. Holmes, Rep.	J. Stedman, Com.	L. L. Rhodes, Soc.
Anderson	3,274	292		
Andrews	87	12		
Angelina	3,277	282		4
Aransas	247	66		
Archer	1,347	235		
Armstrong	602	80	1	
Atascosa	1,451	259		1
Austin	2,379	230		1
Bailey	478	140	1	1
Bandera	592	572		2
Bastrop	2,146	249		
Baylor	1,190	105		2
Bee	1,659	466	3	6
Bell	5,905	621	1	5
Bexar	25,800	9,267	14	39
Blanco	769	2		
Borden	157	14		1
Bosque	2,265	475		2
Bowie	4,499	698		20
Brazoria	1,629	870		5
Brazos	2,079	138		
Brewster	584	90		2
Briscoe	548	74		4
Brooks	443	49		
Brown	3,472			
Burleson	1,813	115		
Burnet	1,141	234		1
Caldwell	2,195	192		1
Calhoun	592			3
Callahan	1,690	236		
Cameron	5,101	1,585	2	6
Camp	992	152		
Carson	1,041	444		
Cass	2,377	637		
Castro	625	81		
Chambers	402	135		
Cherokee	3,500	380	2	3
Childress	1,849	270		1
Clay	2,176	354		
Cochran	273	34		2
Coke				
Coleman	2,760	319		9
Collin	5,446	1,415	1	19
Collingsworth	1,411	290		2
Colorado	2,236	423	2	10
Comal	2,073	274	1	3
Comanche	2,535	366		4
Concho	777	81		3
Cooke	3,472	683	3	3
Coryell	2,174	245		2
Cottle	842	67		
Crane	269	13		
Crockett	277	47		
Crosby	1,556	186	1	2
Culberson	148	8		
Dallam	940	222		7
Dallas	33,964	10,343	5	68
Dawson	1,406	418		
Deaf Smith	784	200		
Delta	1,525	179	1	1
Denton	4,348	652		14
De Witt	2,363	351		2
Dickens	1,029	116		6
Dimmit	614	254		
Donley	1,200	239		1
Duval	1,251	440		
Eastland	4,639	1,064	1	8
Ector	285	32		
Edwards	427	164		2
Ellis	6,953	971		10
El Paso	9,893	2,053		9
Erath	2,768	524		4
Falls				

County.	For Governor			
	Dan Moody, Dem.	W. H. Holmes, Rep.	J. Stedman, Com.	L. L. Rhodes, Soc.
Fannin.....	3,995	633	1	3
Fayette.....	3,932	414		1
Fisher.....	1,781	284		2
Floyd.....	1,604	214		
Foard.....	766	113		5
Fort Bend.....	2,172	202		
Franklin.....	1,018	118		
Freestone.....	2,202	359	1	1
Frio.....	800	136		1
Gaines.....	386	65		4
Galveston.....	8,095	2,092	5	9
Garza.....	918	162		3
Gillespie.....	1,590	985	1	1
Glasscock.....	130	10		1
Goliad.....	750	286	1	3
Gonzales.....	2,124	269		2
Gray.....	2,023	806		5
Grayson.....	8,499	2,267		14
Gregg.....	1,488	141		2
Grimes.....	1,787	125		
Guadalupe.....	2,099	1,231		7
Hale.....	2,627	552		1
Hall.....	1,648	233		1
Hamilton.....	1,628	317		
Hansford.....	611	118		1
Hardeman.....	2,003	229		
Hardin.....	1,675	285		
Harris.....	39,058	9,730	13	54
Harrison.....	3,466	340		3
Hartley.....	300	58		
Haskell.....	2,693	251	1	6
Hays.....	1,513	207		
Hemphill.....	667	122		
Henderson.....	2,448	304		8
Hidalgo.....	5,061	3,146		7
Hill.....	4,342	502	2	2
Hockley.....	721	271		7
Hood.....	931	207		2
Hopkins.....	3,256	423		7
Houston.....	2,036	272		
Howard.....	1,272	200		3
Hudspeth.....	208	227		
Hunt.....	5,561	847		
Hutchinson.....	1,173	657		
Irion.....	337	34		
Jack.....	1,166	305		2
Jackson.....	797	240		
Jasper.....	1,397	115		
Jeff Davis.....	244	16		1
Jefferson.....	12,358	4,036	6	2
Jim Hogg.....	354	16		
Jim Wells.....	1,003	175	1	2
Johnson.....	4,173	959	1	4
Jones.....	3,129	420	1	8
Karnes.....	1,788			
Kaufman.....	3,960	436		7
Kendall.....	487	530		1
Kenedy.....	127	3		
Kent.....	283	30		3
Kerr.....	1,379	715	1	6
Kimble.....	635	162		1
King.....	112	8		
Kinney.....	284	92		
Kleberg.....	1,265			
Knox.....	1,457	247	1	5
Lamar.....	4,550	488	2	6
Lamb.....	1,221	426		
Lampasas.....	1,311	133	1	1
La Salle.....	723			
Lavaca.....	3,480	390		1
Lee.....	1,459	162	2	1
Leon.....	1,242	208		3
Liberty.....	1,632	262		
Limestone.....	2,945	371	2	
Lipscomb.....	618	486		9
Live Oak.....	753			
Llano.....	866			
Loving.....	13	2		
Lubbock.....	4,380	648		4
Lynn.....	1,712	284		6
Madison.....	788	64		

County.	For Governor			
	Dan Moody, Dem.	W. H. Holmes, Rep.	J. Stedman, Com.	L. L. Rhodes, Soc.
Marion	745			
Martin	474	67		
Mason	863	149		3
Matagorda	1,496	535		6
Maverick	315	184		
McCulloch	1,682	318		
McLennan	9,570	1,512	1	11
McMullen	180	8		
Medina	1,898	672	1	4
Menard	686	125		4
Midland	575	94		3
Milam	3,821	290		
Mills	1,006			
Mitchell	1,660	232		1
Montague	2,475	393		10
Montgomery	1,397			
Moore	183	27		
Morris	1,014	71		
Motley	690	60		
Nacogdoches	2,551	135		6
Navarro	6,148	837		
Newton	855	101		1
Nolan	2,180	370		2
Nueces	4,411	1,051		3
Ochiltree	610	198		3
Oldham	251	62		
Orange	1,967	251	1	2
Palo Pinto	2,524	557	2	6
Panola	1,680	63		3
Parker	2,700	521		20
Parmer	739	178		7
Pecos				
Polk	1,402	117	2	2
Potter	4,493	1,692		10
Presidio	486	46		
Rains	681	77		
Randall	1,171	197		1
Reagan	517	87		1
Real	238	328		1
Red River	2,530	358	3	3
Reeves	665	74		
Refugio	847	230	1	3
Roberts	265	77		
Robertson	2,038	212		1
Rockwall	1,074	79		
Runnels	2,825	333	1	8
Rusk	2,484	352		
Sabine	1,162	44		4
San Augustine	1,233	70		
San Jacinto	749	67		1
San Patricio	1,450	514	2	1
San Saba	1,312	74		1
Schleicher	309	42		
Scurry	1,748	279		1
Shackelford	950	111		1
Shelby	2,487	159		11
Sherman	287	98		
Smith	4,859	840	1	4
Somervell	345	35		1
Starr	770	34		
Stephens	2,373	563		
Sterling	279	13		
Stonewall	818	116		3
Sutton	340	33		
Swisher	957	293		
Tarrant	22,747	6,571		30
Taylor	5,050	906		6
Terrell	257	184	2	1
Terry	841	205		
Throckmorton	817	145		
Titus	1,540	126		
Tom Green	3,599	492		
Travis	8,298	1,167		12
Trinity	1,159	100	1	1
Tyler	915	36		
Upshur	2,054	195		5
Upton				
Uvalde	1,628	327		
Val Verde	1,116	452		
Van Zandt	2,873	392		23
Victoria	2,123			

County.	For Governor			
	Dan Moody, Dem.	W. H. Holmes, Rep.	J. Sted- man, Com.	L. L. Rhodes, Soc.
Walker	1,141	96		
Waller	818	76	2	
Ward	399	77		
Washington	2,659	120		1
Webb	1,943	417	2	1
Wharton	2,128	659		
Wheeler	1,449	310	2	4
Wichita	9,123	2,893		
Wilbarger	2,659	383		2
Willacy	654	124		
Williamson	5,098	472	2	5
Wilson	1,866	245	1	
Winkler	423	40		
Wise	2,344	885		3
Wood	2,295	301		
Yoakum	129	21		
Young				
Zapata	302	13		
Zavala	538			1
Total	582,972	120,504	109	738

County	For Lieutenant Governor			
	Barry Miller, Dem.	Mrs. Lena Moore, Rep.	J. L. Swan, Com.	A. F. Von Blon, Soc.
Anderson	3,261	286		
Andrews	87	12		
Angelina	3,286	271		4
Aransas	248	64		
Archer	1,337	214		
Armstrong	611	76	1	
Atascosa	1,458	257		1
Austin	2,426	212		1
Bailey	507	120		1
Bandera	554	594		1
Bastrop	2,162	249		
Baylor	1,151	102		2
Bee	1,641	443	5	5
Bell	5,932	612	1	4
Bexar	26,363	9,142	13	30
Blanco	775			
Borden	160	13		1
Bosque	2,273	467		2
Bowie	4,509	750		19
Brazoria	1,648	867		5
Brazos	2,083	147		
Brewster	582	88		2
Briscoe	558	69		4
Brooks	441	49		
Brown	3,510			
Burleson	1,819	114		
Burnet	1,176	215		1
Caldwell	2,145			1
Calhoun	592	100		3
Callahan	1,703	229		
Cameron	5,120	1,531	1	8
Camp	997	140		
Carson	1,092	400		
Cass	2,390	642		
Castro	626	75		
Chambers	398	135		
Cherokee	3,527	380	2	3
Childress	1,879	272		1
Clay	2,192	350		
Cochran	277	33		2
Coke				
Coleman	2,760	317		
Collin	5,450	1,415	1	19
Collingsworth	1,424	335		1
Colorado	2,273	413	2	11
Comal	2,105	246	1	4
Comanche	2,541	300		5
Concho	781	79		3
Cooke	3,477	672	2	3
Coryell	2,189	239		2
Cottle	840	67		
Crane	272	13		
Crockett	272	47		
Crosby	1,561	183	1	2
Culberson	149	7		
Dallam	945	217		7
Dallas	33,964	10,314	7	68
Dawson	1,430	390		
Deaf Smith	1,786	201		
Delta	1,524	180	1	1
Denton	4,351			14
DeWitt	2,411	356		2
Dickens	1,045	108		6
Dimmit	611	255		
Donley	1,348	228		1
Duval	1,252	440		
Eastland	4,676	1,044	1	7
Ector	290			
Edwards	428	157		2
Ellis	6,963	960		10
El Paso	9,893	2,046		10
Erath	2,780	514		4
Falls				
Fannin	3,996	635	1	3
Fayette	4,002	356		1
Fisher	1,813	268		2
Floyd	1,602	203		
Foard	807	109		5
Fort Bend	2,172	206		
Franklin	1,021	109		
Freestone	2,206	333		2

County	For Lieutenant Governor			
	Barry Miller, Dem.	Mrs. Lena Moore, Rep.	J. L. Swan, Com.	A. F. Von Blon, Soc.
Frio	799	131		
Gaines	386	67		4
Galveston	8,129	2,065	4	9
Garza	911	163		4
Gillespie	1,375	885	1	2
Glasscock	135	10		
Goliad	749	289	1	3
Gonzales	2,126	264		2
Gray	2,078	798		4
Grayson	8,502	2,248		13
Gregg	1,487	142		2
Grimes	1,791	123		
Guadalupe	2,115	1,182	1	7
Hale	2,659	549		1
Hall	1,664	224		1
Hamilton	1,629	314		
Hansford	607	117		1
Hardeman	2,016	221		
Hardin	1,679	279		
Harris	39,301	9,511	17	49
Harrison	3,464	340		3
Hartley	300	59		
Haskell	2,706	245	1	
Hays	1,512	362		
Hemphill	669	121		
Henderson	2,454	306		8
Hidalgo	5,052	3,136		593
Hill	4,354	490	2	3
Hockley	739	260		7
Hood	926	205		2
Hopkins	3,269	417		7
Houston	2,050	263		
Howard	1,288	193		3
Hudspeth	209	26		
Hunt	5,657	857		
Hutchinson	1,022	624		
Irion	341	32		
Jack	1,177	318		1
Jackson	798	241	1	
Jasper	1,398	114		
Jeff Davis	251	15		1
Jefferson	12,473	4,004	7	2
Jim Hogg	354	16		
Jim Wells	1,012	164	1	1
Johnson	4,194	942	1	4
Jones	3,143	413	1	6
Karnes	1,850			
Kaufman	3,953	438		7
Kendall	450	566		1
Kenedy	127	3		
Kent	475	30		3
Kerr	1,350	758	1	6
Kimble	650	149		
King	109	8		
Kinney	283	94		
Kleberg	1,271			
Knox	1,466	248		4
Lamar	4,574	483	2	6
Lamb	1,227	421		
Lampasas	1,321	132	1	1
La Salle	725			
Lavaca	3,545	381		4
Lee	1,473	153	2	1
Leon	1,245	208		4
Liberty	1,642	527		
Limestone	3,902	372	2	
Lipscomb	611	495		10
Live Oak	778	88		
Llano	874			
Loving	13	2		
Lubbock	4,398	627		4
Lynn	1,752	247		6
Madison	784	65		
Marion	780	300		
Martin	475	63		
Mason	874	145		3
Matagorda	1,498	526		6
Maverick	308	189		
McCulloch	1,687	315		
McLennan	9,613	1,497	1	13
McMullen	180	7		

County	For Lieutenant Governor			
	Barry Miller, Dem.	Mrs. Lena Moore, Rep.	J. L. Swan, Com.	A. F. Von Blon, Soc.
Medina	1,917	660	1	3
Menard	695			
Midland	576	94		3
Milam	3,823	273		1
Mills	1,013	182		
Mitchell	1,664	233		1
Montague	2,531	388		10
Montgomery	1,391	101		
Moore	189			
Morris	1,016	1,071		
Motley	688	60		
Nacogdoches	2,576	140		6
Navarro	6,157	831		
Newton	861	99		1
Nolan	2,191	358		2
Nueces	4,415	1,050		3
Ochiltree	621	184		3
Oldham	269	54		
Orange	1,973	249	1	3
Palo Pinto	2,114	647	2	5
Panola	1,682	52		3
Parker	2,726	517		19
Parmer	742	168		6
Pecos				
Polk			2	2
Potter	4,896	1,325		10
Presidio	493	44		
Rains	689	75		4
Randall	1,183	177		1
Reagan	523	83		1
Real	233	328		1
Red River	2,540	359	3	3
Reeves	629	74		
Refugio	866	222	1	3
Roberts	281	68		
Robertson		212		1
Rockwall	1,073			
Runnels	2,853	340	1	8
Rusk	2,484	352		
Sabine	1,177	56		4
San Augustine	1,242	62		
San Jacinto	751	76		1
San Patricio	1,493	464	1	1
San Saba	1,315	118		1
Schleicher	309	42		
Scurry	1,766	252		
Shackelford	945			1
Shelby	2,487	159		11
Sherman	291	90		
Smith	4,900	836	1	4
Somervell	350	33		1
Starr	770	35		
Stephens	2,403	537		
Sterling	279	12		
Stonewall	820	119		4
Sutton	339	34		
Swisher	983	263		
Tarrant	23,004	6,425		28
Taylor	5,087	882		6
Terrell	263	179	2	1
Terry	846	200		
Throckmorton	813	144		
Titus	1,542	123		
Tom Green	3,621	481		
Travis	8,310	1,151		13
Trinity	1,160	97	1	1
Tyler	819	36		
Upshur	2,073	188		5
Upton				
Uvalde	1,629	321		
Val Verde	1,024	447		
Van Zandt	2,867	395		17
Victoria	2,144	235		
Walker	1,145	95		
Waller	826	72	1	
Ward	403	72		
Washington	2,664	120		1
Webb	1,943	439	2	1
Wharton	2,126	542		
Wheeler	1,450	306	2	3
Wichita	9,166	2,934		

County	For Lieutenant Governor			
	Barry Miller, Dem.	Mrs. Lena Moore, Rep.	J. L. Swan, Com.	A. F. Von Blon, Soc.
Wilbarger.....	2,670	373		1
Willacy.....	666	122		
Williamson.....	5,103	461	2	197
Wilson.....	1,906	224		
Winkler.....	424	38		
Wise.....	2,354	881		4
Wood.....	2,277	297		
Yoakum.....	129	17		
Young.....				
Zapata.....	302	13		
Zavala.....	548	261		1
Total.....	583,614	119,887	110	1,530

Austin, Texas, January 11, 1929.

Hon. Barry Miller, President of the Senate, and Hon. W. S. Barron, Speaker of the House of Representatives.

Sirs: We, your joint committee and tellers, appointed to canvass the votes cast at the last general election held in the State of Texas on November 6, 1928, for Governor and Lieutenant Governor of the State of Texas, as shown by returns delivered to us by Secretary of State, beg leave to report that we have performed that duty, and the result of our canvass is as follows:

There were cast for Governor—

Dan Moody	582,972 votes
W. H. Holmes.....	120,504 votes
J. Stedman	109 votes
L. L. Rhodes.....	738 votes
Scattering and irregular..	2,683 votes

There were cast for Lieutenant Governor—

Barry Miller	583,614 votes
Mrs. Lena Moore.....	119,887 votes
J. L. Swan.....	110 votes
A. F. Von Blon.....	1,530 votes
Scattering and irregular..	6,375 votes

All of which is respectfully submitted.

MARTIN,
HARDIN,
HYER,
GAINER,
SMALL,

On Part of the Senate.

NICHOLSON,
KINNEAR,
KEMBLE,
MULLALLY,
YOUNG,

On Part of the House.

Whereupon, Hon. W. S. Barron, Speaker of the House of Representatives, made the following announcement:

"Hon. Dan Moody having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and laws of the State of Texas, declare him duly, legally and constitutionally elected Governor of the State of Texas for the ensuing term of two years; and Hon. Barry Miller having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and laws of the State of Texas, declare him duly, legally and constitutionally elected Lieutenant Governor of the State of Texas for the ensuing term of two years."

The Speaker of the House then announced that the business of the joint session was concluded, and delivered the election returns used in counting the vote into the hands of the Chief Clerk, Louise Snow Phinney, taking her receipt therefor, and directing her to deliver the same in person to the Secretary of State, and to take the receipt of the Secretary of State for the documents.

The Senate then retired to its Chamber.

COMMITTEE ON CONTINGENT EXPENSES.

The Speaker announced the following committee appointments:

Contingent Expenses: Mr. Davis, chairman; Mr. Justiss, vice-chairman; Messrs. Cox of Navarro, Hefley, Hornaday.

CALL OF HOUSE ORDERED.

Mr. Woodruff moved a call of the House for the purpose of maintaining a quorum pending consideration of Senate bill No. 7, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

The roll was called, and the following members were announced present:

Ackerman.	Finn.
Adkins.	Finlay.
Anderson.	Forbes.
Avis.	Fuchs.
Baker.	Gates.
Baldwin.	Gerron.
Barnett.	Gilbert.
Bateman.	Giles.
Beck.	Graves
Bounds.	of Williamson.
Bradley.	Graves of Erath.
Brice.	Hardy.
Brooks.	Harding.
Carpenter.	Harman.
Chastain.	Harper.
Conway.	Harrison.
Cox of Navarro.	Heaton.
Cox of Lamar.	Hefley.
Cox of Limestone.	Hogg.
Davis.	Holder.
DeWolfe.	Hornaday.
Dunlap.	Hubbard.
Enderby.	Johnson
Ewing.	of Dimmit.
Eickenroht.	Johnson of Smith.

Johnson of Scurry.	Quinn.
Justiss.	Ray.
Keeton.	Reader.
Keller.	Reid.
Kemble.	Renfro.
Kennedy.	Richardson.
Kincaid.	Rountree.
King.	Sanders.
Kinnear.	Shelton.
Land.	Sherrill.
Lemens.	Sinks.
Long of Houston.	Smith.
Long of Wichita.	Speck.
Loy.	Stephens.
Martin.	Stevenson.
Mauritz.	Storey.
Maynard.	Tarwater.
McCombs.	Thompson.
McDonald.	Tillotson.
McGill.	Van Zandt.
Mehl.	Veatch.
Metcalfe.	Wallace.
Minor.	Warwick.
Montgomery.	Webb.
Murphy.	White.
Negley.	Wiggs.
Nicholson.	Williams
O'Neill.	of Sabine.
Palmer.	Williams
Patterson.	of Hardin.
Pavlica.	Williams
Petsch.	of Travis.
Pool.	Woodall.
Pope of Jones.	Woodruff.
Prendergast.	Young.
Purl.	

Absent.

Bond.	Olsen.
Coltrin.	Shaver.
Hines.	Simmons.
Jenkins.	Snelgrove.
Jones.	Strong.
Lee.	Thurmond.
Mullally.	Waddell.

Absent—Excused.

Acker.	Morse.
Albritton.	Mosely.
Duvall.	Pope of Nueces.
Hopkins.	Rogers.
Kayton.	Savage.
Kenyon.	Shipman.
Mankin.	Turner.
McKean.	Walters.
Moore.	Westbrook.

SENATE BILL NO. 7 ON SECOND
READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 7, A bill to be entitled "An Act to repeal all laws authorizing the sale of minerals in University lands

or the making of mineral leases on any of said lands."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 7 ON THIRD
READING.

Mr. McGill moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 7 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—114.

Ackerman.	Keller.
Anderson.	Kemble.
Avis.	Kennedy.
Baker.	Kincaid.
Baldwin.	King.
Barnett.	Kinnear.
Bateman.	Land.
Beck.	Lemens.
Bounds.	Long of Houston.
Bradley.	Long of Wichita.
Brice.	Loy.
Brooks.	Martin.
Carpenter.	Mauritz.
Chastain.	Maynard.
Conway.	McCombs.
Cox of Navarro.	McDonald.
Cox of Lamar.	McGill.
Cox of Limestone.	Mehl.
Davis.	Metcalfe.
DeWolfe.	Minor.
Dunlap.	Montgomery.
Enderby.	Murphy.
Ewing.	Negley.
Eickenroht.	Nicholson.
Finn.	O'Neill.
Forbes.	Palmer.
Fuchs.	Patterson.
Gerron.	Pavlica.
Gilbert.	Petsch.
Giles.	Pool.
Graves	Pope of Jones.
of Williamson.	Prendergast.
Graves of Erath.	Purl.
Hardy.	Quinn.
Harding.	Ray.
Harper.	Reader.
Harrison.	Reid.
Heaton.	Renfro.
Hefley.	Richardson.
Hogg.	Rountree.
Holder.	Sanders.
Hornaday.	Shelton.
Hubbard.	Sherrill.
Johnson	Sinks.
of Dimmit.	Smith.
Johnson of Smith.	Speck.
Johnson of Scurry.	Stephens.
Justiss.	Stevenson.
Keeton.	Storey.

Tarwater.	Wiggs.
Thompson.	Williams
Thurmond.	of Sabine.
Tillotson.	Williams
Van Zandt.	of Hardin.
Veatch.	Williams
Walters.	of Travis.
Warwick.	Woodall.
Webb.	Woodruff.
White.	Young.

Present—Not Voting.

Finlay.	Gates.
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Absent.

Adkins.	Mullally.
Bond.	Olsen.
Coltrin.	Shaver.
Harman.	Simmons.
Hines.	Snelgrove.
Jenkins.	Strong.
Jones.	Waddell.
Lee.	Wallace.
McKean.	

Absent—Excused.

Acker.	Morse.
Albritton.	Mosely.
Duvall.	Pope of Nueces.
Hopkins.	Rogers.
Kayton.	Savage.
Kenyon.	Shipman.
Mankin.	Turner.
Moore.	Westbrook.

The Speaker then laid Senate bill No. 7 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—119.

Ackerman.	Ewing.
Anderson.	Eickenroht.
Avis.	Finn.
Baker.	Forbes.
Baldwin.	Fuchs.
Barnett.	Gerron.
Bateman.	Gilbert.
Beck.	Giles.
Bounds.	Graves
Bradley.	of Williamson.
Brice.	Graves of Erath.
Brooks.	Hardy.
Carpenter.	Harding.
Chastain.	Harper.
Conway.	Harrison.
Cox of Navarro.	Heaton.
Cox of Lamar.	Hefley.
Cox of Limestone.	Hines.
Davis.	Hogg.
DeWolfe.	Holder.
Dunlap.	Hornaday.
Enderby.	Hubbard.

Jenkins.	Purl.
Johnson.	Quinn.
of Dimmit.	Ray.
Johnson of Smith.	Reader.
Johnson of Scurry.	Reid.
Justiss.	Renfro.
Keeton.	Richardson.
Keller.	Rountree.
Kemble.	Sanders.
Kennedy.	Shelton.
Kincaid.	Sherrill.
King.	Simmons.
Kinnear.	Sinks.
Land.	Smith.
Lee.	Snelgrove.
Lemens.	Speck.
Long of Houston.	Stephens.
Long of Wichita.	Stevenson.
Loy.	Storey.
Martin.	Tarwater.
Mauritz.	Thompson.
Maynard.	Thurmond.
McCombs.	Tillotson.
McDonald.	Van Zandt.
McGill.	Veatch.
Mehl.	Wallace.
Metcalfe.	Walters.
Minor.	Warwick.
Montgomery.	Webb.
Mullally.	White.
Murphy.	Wiggs.
Negley.	Williams of
Nicholson.	Sabine.
O'Neill.	Williams
Palmer.	of Hardin.
Patterson.	Williams
Pavlica.	of Travis.
Petsch.	Woodall.
Pool.	Woodruff.
Pope of Jones.	Young.
Prendergast.	

Present—Not Voting.

Finlay.	Gates.
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Absent.

Adkins.	McKean.
Bond.	Olsen.
Coltrin.	Shaver.
Harman.	Strong.
Jones.	Waddell.

Absent—Excused.

Acker.	Morse.
Albritton.	Mosely.
Duvall.	Pope of Nueces.
Hopkins.	Rogers.
Kayton.	Savage.
Kenyon.	Shipman.
Mankin.	Turner.
Moore.	Westbrook.

Reason for Vote.

I vote "yea" on Senate bill No. 7, hoping it will do some good toward

holding the leases off the market for the time being. I fear, however, that the leases already bid on and supposed to have been sold previous to this cannot be withdrawn.

YOUNG.

PROVIDING FOR PORTRAIT OF MEMBERS.

Mr. Barnett offered the following resolution:

Resolved, That the Speaker appoint a committee of five to select, to the advantage of this House, a photographer to make, frame and hang the picture of the Forty-first Legislature.

The resolution was read second time.

On motion of Mr. Purl, further consideration of the resolution was postponed until next Monday.

PROVIDING FOR COMMITTEE TO INVESTIGATE LAND OFFICE.

Mr. Petsch offered the following resolution:

H. C. R. No. 4, Providing for the investigation of the General Land Office of the State of Texas, and the administration thereof, by a joint committee of the Senate and House of Representatives of the State of Texas, appointed therefor, and defining the powers and duties of said committee, and making appropriation from the mileage and per diem and contingent fund for the payment of the expenses of said committee.

Whereas, Large tracts of land in the western part of this State are owned by the permanent University fund, the same having been set aside for the benefit of the University with a view that such land should yield the greatest possible amount for the support and maintenance of the University; and

Whereas, The State owns other large tracts of land; and

Whereas, Oil has been discovered recently on and adjacent to such lands, making the same very valuable; and

Whereas, The present statutes providing for the sale of such lands are wholly inadequate to secure to the State and to the University a fair return under present circumstances and conditions; and

Whereas, The Commissioner of the General Land Office advertised for sale certain of said University lands and set the date of sale just a few days before the convening of the Forty-first Legislature, and after the same was brought to his attention he failed to postpone the sale in order that the Legislature

might determine the policy of the State in the sale of said lands in the light of present conditions, although the Attorney General recently ruled that the Land Commissioner had the discretion of postponing the date of said sale until a later date in the month of January; and

Whereas, It is necessary that the Legislature have all the facts in connection with the transactions that have occurred in reference to said land sales; and

Whereas, In the light of all that has transpired, it is necessary, in the interest of the public welfare, that an investigation be made into all matters pertaining to the public lands of this State; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring:

Section 1. That a committee of five members of the House of Representatives and Senate be appointed, three members thereof to be appointed from the House by the Speaker of the House of Representatives and two members thereof from the Senate, to be appointed by the President of the Senate, whose duty it shall be to conduct an investigation into the affairs of the General Land Office of this State, and the administration thereof; to investigate all matters, patents, leases and sales of the public domain of this State, heretofore made or attempted to be made, pertaining to said General Land Office, and generally to investigate each and every act of the Commissioner of the General Land Office, and to investigate all matters pertaining to said office as may, in the judgment of said committee, be necessary and proper for the promotion of the public welfare.

Sec. 2. That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours for meeting and adjourning. Said committee shall sit in the Capitol at Austin during its sessions, and sessions of said committee shall be open to the public, except at such times as the committee, by a majority vote, may determine to hold an executive session. The chairman of said committee shall be elected by a majority vote of the members of said committee, and the committee shall appoint its own secretary and employees, and its sergeant-at-arms.

Sec. 3. That the committee shall have power to issue process for witnesses to any place in this State, and to compel

their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have power to issue attachments, which may be addressed to and served by either the sergeant-at-arms appointed by said committee or any sheriff or any constable of this State. Said committee shall have power to inspect and make copies of any books, records or files of the General Land Office, or the Commissioner thereof, or any employee or appointee under investigation by said committee, and of any county or political subdivision of the State, and shall also have power to examine and audit the books of any person, firm or corporation having dealings with the General Land Office, the Commissioner thereof, or any employee or appointee of said office. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all powers necessary in order to accomplish the purposes for which it is appointed.

Sec. 4. The witnesses attending said committee under process shall be allowed the same mileage and per diem as is allowed witnesses in the trial of criminal cases in the district court.

Sec. 5. Said committee shall have power and authority to employ and compensate all necessary experts, investigators, stenographers, clerks, auditors and all other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigation.

Sec. 6. That said committee may call upon the Attorney General's Department for assistance and advice, and it shall be the duty of the Attorney General's Department to render opinions, give counsel and assistance to said committee upon the request of the chairman or members of said committee.

Sec. 7. That said committee shall begin and complete its investigation at the earliest practicable moment, and shall submit a report in writing to the Forty-first Legislature. The compensation and expenses herein provided for incident to such investigation shall be paid out of the appropriation for mileage and per diem and contingent expenses of the Regular Session of the Forty-first Legislature, upon sworn account of the persons entitled to such pay, when approved by the chairman of said committee, and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of

said Regular Session of the Forty-first Legislature to meet the payment of such per diem and expenses of the members of said committee, witnesses, fees and other expenses incident to said investigation.

Sec. 8. Said committee may include in its report its recommendations of any legislation that should be enacted or other action that should be taken.

The resolution was read second time.

Mr. Tillotson moved that the resolution be referred to the Committee on Public Lands and Buildings.

Mr. Beck offered the following amendment to the resolution:

"Provided, however, that adoption of this resolution shall not be construed as an attempt at this time to criticize the actions of the Land Commissioner or prejudice public opinion for or against him, this being only an attempt to obtain the facts."

Mr. Petsch raised the point of order, on consideration of the amendment, that an amendment is out of order pending a motion to refer.

Mr. Tillotson seconded the point of order, and made the further point of order that the amendment is not germane to the purpose of the resolution.

The Speaker sustained the points of order.

The motion of Mr. Tillotson prevailed, and the resolution was referred to the Committee on Public Lands and Buildings.

ADDRESS BY HON. RENO EICKENROHT.

Mr. Storey offered the following resolution:

Whereas, The House of Representatives of this, the Forty-first Legislature, has only one member who is a member of the G. O. P. and wears in his lapel the sacred white elephant; therefore, be it

Resolved, That he be, and is hereby, appointed minority leader for his party upon this floor for this session, and that he be consulted upon all Federal matters within his jurisdiction; and that he be invited to address the House at this time.

The resolution was read second time, and was adopted.

The Speaker appointed the following committee to escort Mr. Eickenroht to the Speaker's stand:

Messrs. Storey, Purl and White.

The committee having performed their duty, Speaker Barron presented Mr.

Purl, who in turn presented Mr. Eickenroht.

Mr. Eickenroht then addressed the House.

BILL SIGNED BY SPEAKER.

The Speaker signed, in the presence of the House, today, after giving due notice thereof and its caption had been read, the following enrolled bill:

S. B. No. 7, "An Act to repeal all laws authorizing the sale of minerals in University lands or the making of mineral leases on any of said lands."

EMPLOYEE ANNOUNCED.

The Speaker announced the appointment of Mrs. Olin Van Zandt as secretary to Mr. Van Zandt.

PRESENTATION OF FLOWERS TO HON. WALTER ACKER.

On motion of Mr. Purl, the Sergeant-at-Arms was instructed to send Hon. Walter Acker, who is ill at his room, a floral offering as a remembrance from the House of Representatives.

COMMITTEE CLERKS ANNOUNCED.

The Speaker announced the appointment of the following committee clerks:

Hubert Faulk, Bob Hight, James Pipkin, Mrs. Pearl Echols, W. D. Yancey, W. T. Johnson, Carroll Edgar, Ross Terry, Truman O'Quinn, Bullock Hyder, Sam Pharr, Kenneth Lawrence.

ADJOURNMENT.

On motion of Mr. Holder, the House, at 3:30 o'clock p. m., adjourned until 2 o'clock p. m. next Monday.

APPENDIX.

STANDING COMMITTEE REPORT.

The following committee today filed a favorable report on bill as follows:

Public Lands and Buildings: Senate bill No. 7.

FIFTH DAY.

(Monday, January 14, 1929.)

The House met at 2 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Ackerman.	King.
Adkins.	Kinnear.
Anderson.	Land.
Avis.	Lee.
Baker.	Lemens.
Baldwin.	Long of Houston.
Barnett.	Long of Wichita.
Bateman.	Loy.
Beck.	Mauritz.
Bond.	Maynard.
Bounds.	McCombs.
Bradley.	McGill.
Brice.	Mehl.
Brooks.	Metcalfe.
Carpenter.	Minor.
Chastain.	Montgomery.
Coltrin.	Moore.
Conway.	Mullally.
Cox of Navarro.	Murphy.
Cox of Lamar.	Negley.
Cox of Limestone.	Olsen.
Davis.	O'Neill.
DeWolfe.	Palmer.
Dunlap.	Patterson.
Duvall.	Pavlica.
Enderby.	Petsch.
Ewing.	Pool.
Eickenroht.	Pope of Jones.
Finn.	Pope of Nueces.
Finlay.	Prendergast.
Forbes.	Purl.
Gates.	Quinn.
Gerron.	Ray.
Gilbert.	Reader.
Giles.	Reid.
Graves	Renfro.
of Williamson.	Richardson.
Graves of Erath.	Rountree.
Hardy.	Sanders.
Harding.	Savage.
Harman.	Shelton.
Harper.	Sherrill.
Harrison.	Shipman.
Heaton.	Simmons.
Hefley.	Snelgrove.
Hines.	Speck.
Hogg.	Stephens.
Holder.	Stevenson.
Hopkins.	Storey.
Hornaday.	Thompson.
Hubbard.	Thurmond.
Jenkins.	Tillotson.
Johnson	Turner.
of Dimmit.	Van Zandt.
Johnson of Smith.	Veatch.
Johnson of Scurry.	Waddell.
Jones.	Wallace.
Justiss.	Walters.
Kayton.	Warwick.
Keeton.	Webb.
Keller.	Westbrook.
Kemble.	White.
Kennedy.	Williams
Kincaid.	of Sabine.